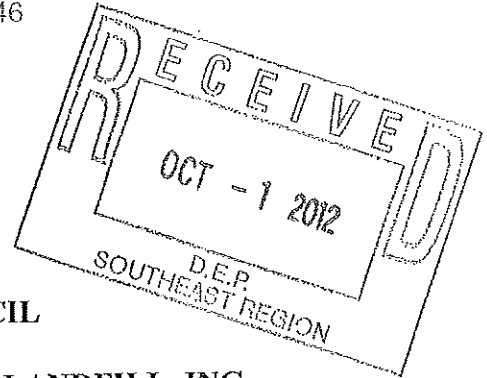




City Of Attleboro, Massachusetts

OFFICE OF THE MUNICIPAL COUNCIL

Government Center • 77 Park Street
Attleboro, Massachusetts 02703
508-223-2222 • Fax 508-222-3046



ATTLEBORO MUNICIPAL COUNCIL RESOLUTION OF CONCERN FOR THE PLANNED CAPPING OF ATTLEBORO LANDFILL, INC.

WHEREAS: Attleboro Landfill, Inc., a privately owned business, is under an enforcement order from the Massachusetts Department of Environmental Protection (MassDEP) to cap the Phase B portion of the former city dump, an expanse of 8-acres in which solid waste material was dumped prior to 1975, and;

WHEREAS: The closure project proposed by EndCap *"will consist of bringing in material to grade and shape the landfill and place capping over the grading material to prevent stormwater from running through the solid waste and into the groundwater,"* and;

WHEREAS: The amount of material proposed by EndCap to complete the capping process in accordance with MassDEP standards now consists of 650,000 cubic yards, an increase of 1200% over the previously stated 50,000 cubic yards, and;

WHEREAS: The Attleboro Municipal Council and the residents of the City of Attleboro wish to express their concern that *"approximately 35 trucks per day"* loaded and unloaded with fill for capping will be traveling through Secondary and Primary roadways in the City of Attleboro at *"an average of 4-5 trucks per hour"* six days a week for three years, and;

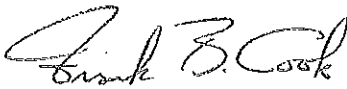
WHEREAS: Concerns have been raised by residents of Attleboro in support of Taunton, and Norton regarding the quality of the proposed fill material with respect to health hazards, as well as devaluation of property values and deterioration of roadways, and;

WHEREAS: The Attleboro Municipal Council may support an alternative to that proposal which would utilize the adjacent CSX Railroad spur line to bring the fill material to a holding area, accessible by a utility easement across from the landfill, from which a siding to the site could be constructed, and;


WHEREAS: Attleboro Landfill, Inc. reportedly lacks the financing necessary for capping their site and EndCap will pay a "tipping fee" to Attleboro and Norton for each truckload of fill delivered to the site to finance the project.

NOW, THEREFORE BE IT RESOLVED that the Municipal Council of the City of Attleboro strongly urges MassDEP and EndCap to develop an alternative plan which reduces the amount of fill required to cap the site, thereby minimizing the impact on the residents of Attleboro, Taunton, and Norton, while simultaneously reducing the expense involved in this process.

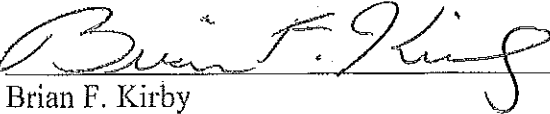
Signed and Sealed this Day of
September 18, 2012



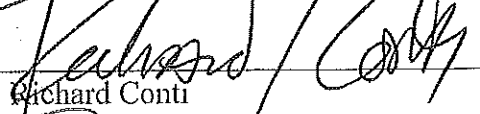
President Frank B. Cook



Vice-President Peter Blais



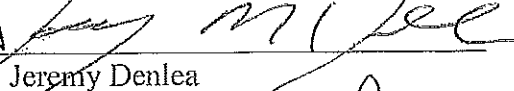
Brian F. Kirby



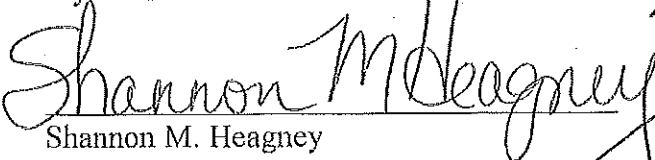
Richard Conti



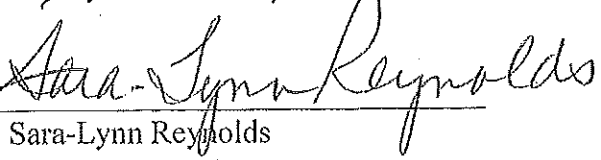
Jay DiLisio



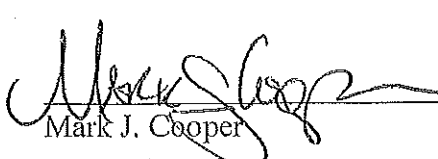
Jeremy Denlea



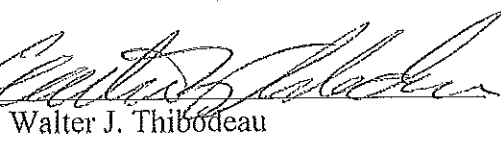
Shannon M. Heagney



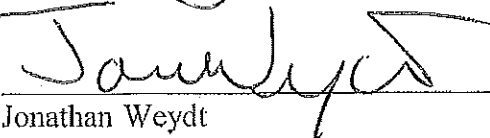
Sara-Lynn Reynolds



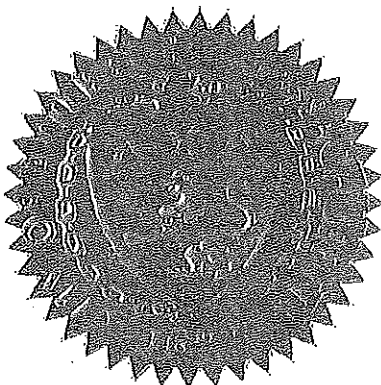
Mark J. Cooper



Walter J. Thibodeau



Jonathan Weydt



78 Holden Street
Attleboro, MA 02703
September 15, 2012

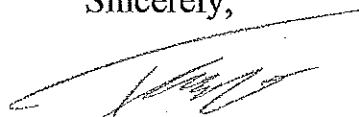
Dear Council President Frank Cook,

North Main Street and Holden Street are historic gems in the City of Attleboro. The tax paying residents in this area work very hard to keep their homes and yards well kept. We are all very proud of our neighborhoods! This area must remain as it is and not be destroyed with additional truck traffic.

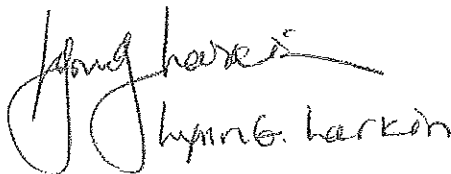
We ask that you please vote against the state's Department of Environmental Protection and contractor EndCap Technology Project.

Thank you!

Sincerely,



Tom LARCIO



Lynne G. Harkin

65 Holden Street
Attleboro, MA 02703
September 15, 2012

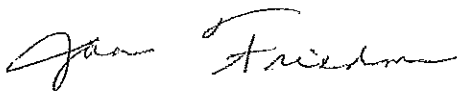
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Thank you!

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan Friedman".

74 Holden Street
Attleboro, MA 02703
September 15, 2012

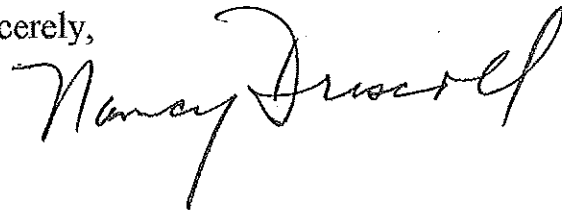
Dear Councilor John Weydt,

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We ask that you please vote against the state's Department of Environmental Protection and contractor EndCap Technology Project.

Thank you!

Sincerely,

A handwritten signature in cursive script, reading "Nancy Driscoll". The signature is written in dark ink and is positioned below the word "Sincerely,".

September 15, 2012.

Addendum to letter:

Dear Sir:

The stated Mission of the DEP is "to ensure clean air and water, the safe management of toxic waste and hazards, the recycling of solid and hazardous waste, the timely clean up of hazardous waste sites and spills and the preservation of wetlands and coastal resources."

The impact of the completion of one part of this mission should not have a tremendous impact, to the negative on another part of the mission.

The impact of the increased truck traffic on Halder Street would only add to the already proven air pollution and noise pollution above safe levels, experienced 24/7 by the residents of Halder Street. This un-managed existing pollution by excessive emissions had a negative on our health and well being. The pollution also would negatively impact the wetlands of the Bungay River Project.

All DEP traffic should travel on appointed state and interstate routes such as: 123, 140, 495. These roads/routes are readily accessible without travel on Halder Street and No Main St.

Sincerely,
Ellen P. Lowe

24 Holden Street
Attleboro, MA 02703
September 15, 2012

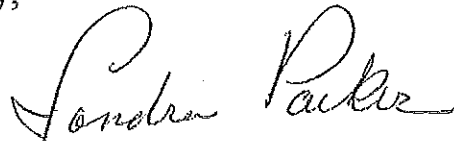
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We ask that you please vote against the state's Department of Environmental Protection and contractor EndCap Technology Project.

Thank you!

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Parker". The signature is written in dark ink and is positioned below the word "Sincerely,".

63 Holden Street
Attleboro, MA 02703
September 15, 2012

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We ask that you please vote against the state's Department of Environmental Protection and contractor EndCap Technology Project.

Thank you!

Sincerely,

Matthew Lynch

66 Holden Street
Attleboro, MA 02703
September 15, 2012

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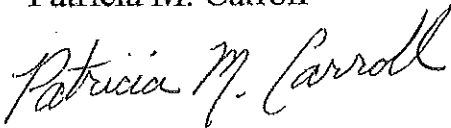
Thank you!

Sincerely,

Anne E. Carroll



Patricia M. Carroll



67 Holden Street
Attleboro, MA 02703
September 15, 2012

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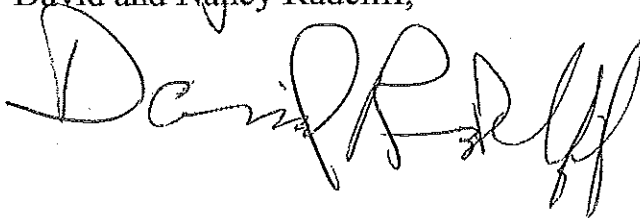
We ask that you please vote against the state's Department of Environmental Protection and contractor EndCap Technology Project.

Thank you!

Sincerely,

A handwritten signature in cursive script that reads "Nancy Radcliff".

David and Nancy Radcliff,

A handwritten signature in cursive script that reads "David Radcliff".

73 Holden Street
Attleboro, MA 02703
September 15, 2012

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We ask that you please vote against the state's Department of Environmental Protection and contractor EndCap Technology Project.

Thank you!

Sincerely,

Bob and Laurie Johnson

*We have more than enough heavy
and speeding truck traffic already!*

Mr. Kurt Schulte

President

EndCap Technology, LLC

555 South Street

Quincy, MA 02169

kschulte@endcaptech.com

Gentlemen:

I am writing to express my adamant opposition to EndCap's 2012
Proposal for the Capping of Attleboro Landfill Inc. (ALI).

The plan to import excessive amounts of 'slightly contaminated'
materials to bail out a Private, For Profit Enterprise is beyond reason.

It is difficult to understand how the Massachusetts Department
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The negative impacts associated with this project are obvious and
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The addition of obscene amounts of contaminated soils and debris,
to further extend the existing noxious 'ALI Mound' towards our
neighborhoods and the Shpack Superfund Site, cannot be tolerated.

I trust that when all of the comments and demands are considered,
reasonable minds will prevail - and this EndCap Project Proposal will
either be withdrawn or rejected by MassDEP.

Name: Terry Dotolo



Address: 10 Garrett Drive Norton, Ma 02766

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)

Mr. Mark Dakers

Acting Bureau Chief

MassDEP, SE Region

20 Riverside Dr.

Lakeville, MA 02347

mark.dakers@state.ma.us

Mr. Kurt Schulte

President

EndCap Technology, LLC

555 South Street

Quincy, MA 02169

kschulte@endcaptech.com

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Name: Paul Dotolo

A handwritten signature in cursive script, appearing to read 'Paul Dotolo', written in dark ink.

Address: 10 Garrett Drive Norton, Ma 02766

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)

Mr. Mark Dakers

Acting Bureau Chief

MassDEP, SE Region

20 Riverside Dr.

Lakeville, MA 02347

mark.dakers@state.ma.us

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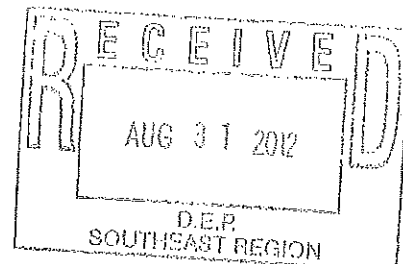
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Name: *KARE WEST*

Address: *64 MAPLE ST. NORTON MA, 02766*

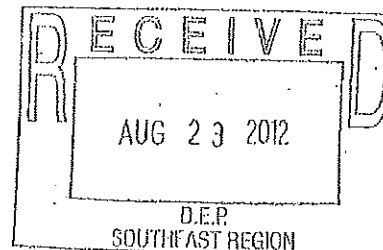




City of Taunton, Massachusetts
DEPARTMENT OF PUBLIC WORKS

Fred J. Cornglia
Commissioner

Anthony Abreau
Assistant Commissioner
Angela C. Santos
Fiscal Agent



August 20, 2012

Richard Nylan, Esq.
Lynch, DeSimone&Nylan LLP
10 Post Office Square, Suite 970N
Boston, MA 02109

RE: Attleboro Landfill

I am writing from the City of Taunton regarding the Attleboro Landfill Closure Proposal. We only recently became aware of this proposal.

We are concerned about the volume of truck traffic that is proposed to come through the City of Taunton and the accompanying air and noise pollution along with wear and tear on Taunton's roadways. Your written material indicates that Attleboro will benefit because the landfill will be capped, groundwater will be protected and it will receive a tipping fee. Norton will benefit because groundwater will be protected and it will receive a tipping fee. Yet you propose to burden Taunton with high volume truck traffic and for Taunton to derive no benefit. The landfill is in Attleboro, which has direct access to Route 95. Why not have all traffic come from Route 95 directly to the landfill? Or, why not have all traffic come from 495 down Route 123 in Norton? Both of these routes would be closer to the highway than the proposed route through Taunton.

Should the proposal and the route be approved at all, I request the following mitigation on behalf of the City of Taunton.

1. That Taunton be paid \$1.00/ton tipping fee.
2. That the Bridge on Harvey Street/ Norton Avenue over the Three Mile River be inspected by Mass Highway before operations begin and again after they are completed, that the before and after inspection reports be provided to the Taunton, and, that if there is any deterioration to the bridge that EndCap pay for any repairs.
3. That all roads in Taunton on the route be re-striped as necessary during the operation and after operations are complete.

Craig C. Sherman Operations Center


90 Ingell Street
Taunton, Massachusetts 02780
Telephone: (508) 821-1434
Fax: (508) 821-1437

4. That all roads in Taunton on the route be crack-sealed as necessary during the operation and after operations are complete.
5. That the railroad crossing on Harvey Street be repaired.
6. That all roads in Taunton be swept at the conclusion of each day of operations.

Please keep the City of Taunton advised of all future developments regarding this proposal, including public meetings, hearings, comment periods and deadlines. Please give notice to City of Taunton by contacting: Fred J. Cornaglia, Commissioner, Department of Public Works, 90 Ingell Street, Taunton, MA 02780 with a copy to Jason D. Buffington, City Solicitor, 140 Oak Street, Taunton, MA 02780.

Thank you and I look forward to hearing from you.

Sincerely,


Fred J. Cornaglia
Commissioner

cc: Thomas C. Hoyer, Jr., Mayor
Jason D. Buffington, City Solicitor
Mark Dakers, Acting Bureau Chief, MassDEP

Craig C. Sherman Operations Center

90 Ingell Street
Taunton, Massachusetts 02780
Telephone: (508) 821-1434
Fax: (508) 821-1437

August 25, 2012

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169

Mr. Mark Dakers
Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347

Gentlemen:

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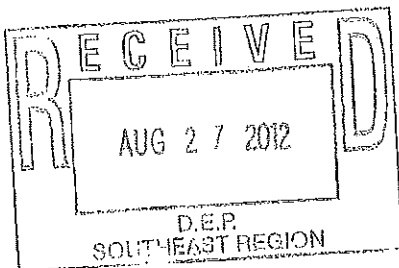
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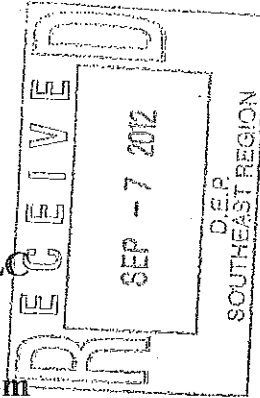
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Very truly yours,

Susan J. Weildeing
Douglas B. Weildeing
Susan and Douglas Weildeing
31 Richardson Ave., Norton, MA



Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
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mark.dakers@state.ma.us

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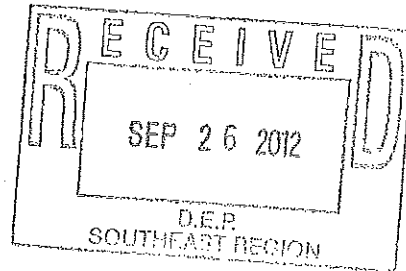
Name: *Elaine Stevens*

Address: *39 Maple St. North MA 02116*

Deadline for Comments is: Friday Sept. 28th. PLEASE Do Not Delay!

9/24/12

Mark Dakers
D & P Bureau Chief
20 Riverview Drive
Lakeville, MA 02347



Dear Mr. Dakers,

I am writing this letter to express my strong objection to any form of expansion at the Attleboro landfill.

I wish to have the landfill remain as is with no further additional expansion.

I have lived in this area for 46 years and am very familiar with all of the negative impact on our area residents.

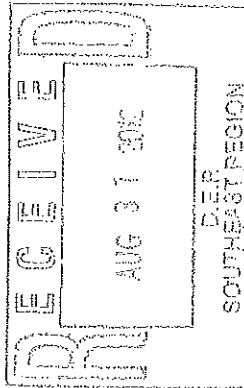
Other residents in the Pike Avenue Area express similar concerns & feelings - Please leave the landfill as it now stands.

Thank You

Doris Sullivan
33 Chatley Brook Lane
Attleboro, MA 02703

Lib. 1-508-222-2648

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



Mr. Mark Dakers
Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us

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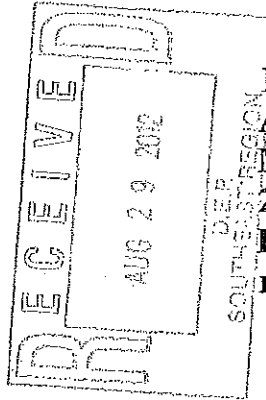
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Name: *Kerleen T. Selley* *Kerleen Selley*
Address: *750 Pleasant St*
Attleboro, MA 02703

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



Mr. Mark Dakers
Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us

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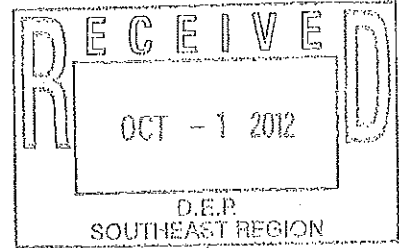
Name: *Debra A. Salley*
Deborah A. Salley
Address: *234 Worcester St.*
Norton, MA 02746

September 21, 2012

Mr. Mark Dakers, Acting Bureau Chief

MassDEP, SE Region

20 Riverside Dr., Lakeville, MA 02347



Dear Sir:

I am writing to express my adamant opposition to EndCap's 2012 Proposal for the Capping of Attleboro Landfill Inc. (ALI).

The plan to import excessive amounts of 'slightly contaminated' materials to bail out a Private, For Profit Enterprise is beyond reason. By the way, is 'slightly contaminated' in the same realm as 'slightly pregnant'? I don't believe that such an entity exists. It either is or it is not contaminated.

I don't understand how the Massachusetts Department of Environmental Protection can even fathom allowing the transporting of over 650 thousand cubic yards of contaminated materials from Rhode Island, Connecticut, New Hampshire, and Lord knows where else to cap a landfill that only needs 50 to 60 thousand cubic yards. Except for the possibility that someone is going to get rich off of this adventure, and I'm sure it isn't the residents of Attleboro, I can see no "earthly" reason for this project to be allowed. The MassDEP should get together with local police and state police traffic specialists and drive the intended route for the projected 27,000 18-wheelers that are necessary to haul in this contaminated material and it would be evident that these trucks cannot make the turns needed to get on site. Not only will the neighborhoods be affected by the contaminants, causing illnesses to abound, but school children waiting for school buses, elderly trying to take a labored walk for their health, even the mailperson trying to do their job will be in danger, because these trucks cannot "stop on a dime".

I don't live in the immediate neighborhood of the landfill, but if EndCap is going to be bringing in materials from Rhode Island, I live within 500 feet of Rte. 95 and my air quality will be affected by the contaminants as well as my peace and tranquility. All of Attleboro will be affected since Rte. 95 is on the west side of the entire city, between Pawtucket, RI and North Attleboro, MA. But then why would DEP care, you people don't live here, so you won't be affected, but I'll bet you if it were in your town or city, it wouldn't be allowed.

Please RETHINK this proposal and say ABSOLUTELY NO to its happening.

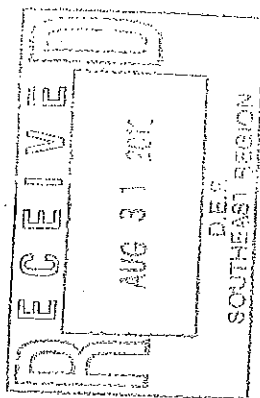
Thank you for allowing me to vent,

Yours truly,

Mrs. Audrey M. Poitras

53 Liberty Drive, Attleboro, MA 02703

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169



Mr. Mark Dakers
Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us

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The negative impacts associated with this project are obvious and unacceptable to the residents of our communities.

The addition of obscene amounts of contaminated soils and debris, to further extend the existing noxious 'ALI Mound' towards our neighborhoods and the Shpack Superfund Site, cannot be tolerated.

I trust that when all of the comments and demands are considered, reasonable minds will prevail - and this EndCap Project Proposal will either be withdrawn or rejected by MassDEP.

Name:

Michael Quilty

Address:

29 B Sturdy St, Norton, MA 02766

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us

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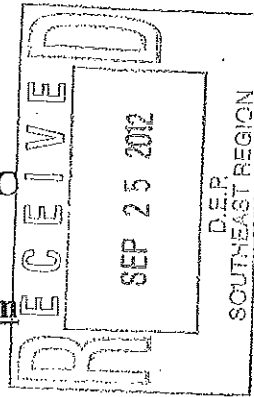
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Name: JOHN F. PINO

Address: PO BOX 1244 WORTON MA
02766

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



Mr. Mark Dakers
Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us

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Name: *RUTH M. PIERCE*

Address: *127 STEERE ST., ATTLEBORO, MA.*

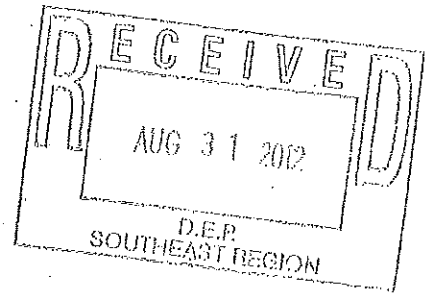
Deadline for Comments is: Friday Sept. 28th. PLEASE Do Not Delay!

02703

Ronald O'Reilly
29 Union Road
Norton MA 02766

August 23, 2012

Attn. Mr. Mark Dakers, Acting Bureau Chief
Mass DEP, Southeast Region
20 Riverside Drive
Lakeville MA 02347



Dear Mr. Dakers,

The moral tone and manner in which a company operates is set by those at the top of the entity. Senior management is responsible for all representations made on behalf of the company, whether by its employees or hired professionals (hired gun). From what we have seen from EndCap and its hired guns, it will do anything to accomplish its objective. The following are examples of misrepresentations; outright lies put forth; and, deliberate omissions by EndCap and its hired gun in the Access Agreement and informational presentation to "interested parties":

1. False and misleading statements were made to the current town manager regarding discussions, and the status of previous negotiations with the prior town manager by its hired gun.
2. Without any prior discussions or negotiations, its hired gun presented the current town manager with a one-sided agreement stipulating a tipping fee of \$.25 per ton knowing that the standard tipping fee is one dollar per ton.
3. There was a difference in the material sent to the Norton Town Manager prior to the informational meeting and the slide presentation on August 14. The hired gun lied and stated that there was no difference in the material until he was proven wrong. He attempted to belittle those who proved him wrong. He never acknowledged the difference existed.
4. The material put forth by EndCap and its representatives have used varying averages of thirty five (35) and fifty (50) loaded truck trips per day with a peak of seventy five (75). Using these averages there would be between forty-two thousand

(42,000) and sixty thousand (60,000) loaded truck trips during the proposed four year project. EndCap has not indicated how either of these averages were computed or the total number of truck trips that are planned for this project.

5. Massachusetts Department of Environmental Protection requires capping projects to be completed in two years, but without justification or explanation, EndCap is planning on four years.

6. EndCap proposes to use the streets of Taunton to access the streets in Norton. However, no notification was sent to the City of Taunton regarding the use of Taunton streets or the informational meeting that was held on August 14, 2012.

7. The only notice of the Project Informational Meeting was a small legal notice in The Sun Chronicle on July 31, 2012. The legal notice indicated the purpose of the meeting was to "discuss the Attleboro Landfill Closure Project" and invited "interested parties" to attend without identifying any of the parties that might be affected by the project.

8. EndCap made no attempt to notify the following "interested parties" who were unlikely to see a legal notice in The Sun Chronicle, which is distributed in the Attleboro area:

- a. Environmental Protection Agency
- b. Army Corps of Engineers
- c. Perspective Responsible Parties involved in Shpack cleanup

9. The insurance limits mentioned in the EndCap Access Agreement are woefully inadequate with limits of one million dollars (\$1,000,000). The Agreement discussed indemnification of the Town Norton but there were no provisions for a bond to pay for such indemnification or the future monitoring of ALI if the project is not financially successful.

EndCap has not addressed any of the following issues which will be affected by EndCap truck traffic traveling through Norton. If EndCap does not compensate the Town of Norton for these expenditures, the project will place an unfair burden on the taxpayers of Norton.

1. Additional buses that the School Department may propose for transporting students on South Worcester Street, Union Road, Sturdy Street, and Sturdy Street

Extension, who walk on Union Road to the corner of South Worcester Street to their bus stop.

2. Crossing guards at locations that may be recommended by the School Department as a result of the truck traffic going to ALI.
3. Training, supplies, and manning for the Norton Fire Department to respond to accidents, hazardous material, oil and fuel spills along the truck route and also for the increase in mutual aid responses to ALI for fires or accidents.
4. Chartley Fire Station should be reopened to improve response time for accidents and hazardous material or chemical spills resulting from the loaded trucks traveling to ALI.
5. Charges incurred to videotape and photograph the condition of roads to be restored at completion of the project.
6. An insurance consultant to recommend insurance coverage and performance bonds to be purchased by EndCap to protect the Town for the duration of the project. The coverage proposed in the access agreement is inadequate to protect the Town of Norton its employees and its residents.
7. Costs incurred by the Town of Norton Police Department for truck traffic enforcement and when necessary for traffic control.
8. A peer review of the access agreement and the proposal by a licensed site professional and a wetland scientist to determine if the Phase B project will be feasible or have any negative effects on the adjacent Shpack Site and the surrounding wetlands. The federal government has spent seventy-million-five-hundred-thousand dollars (\$70,500,000) for the nuclear cleanup of the Shpack Site. The Prospective Responsible Parties are about to commence the removal of heavy metals and other hazardous materials remaining at the site. The Army Corps of Engineers determined that contaminated leachate is flowing from ALI to the Shpack Site.
9. Legal costs incurred and to be incurred by the Town of Norton in reviewing and negotiating the terms of the EndCap agreements.

10. Administrative costs incurred and to be incurred for the time Town employees will spend reviewing, negotiating, monitoring and enforcing the terms of the agreement and proposal.

EndCap has failed to address the following operational items that should be required before the project commences.

1. The source and nature of the material to be brought to ALI should be described in detail.
2. The procedures that will be implemented to prevent the disposal of hazardous materials. The individual who will be responsible for such determination should be named with the individual's experience and qualifications.
3. The type of truck covering to be used should be described in detail and of such a nature as to prevent dust and contaminants from escaping during transport to protect students at bus stops, walkers, runners, bike riders and residents along the truck route.
4. The location of a staging area outside of Norton for EndCap's loaded trucks arriving with "slightly contaminated material", when Union Road is congested by school buses, trucks entering and leaving the Shpack Superfund Site, rubbish and recycling trucks and loaded trucks going to ALI. There is insufficient width on Union Road to accommodate large vehicles travelling in both directions.
5. The tipping fee should be no less than the tipping fee or aggregate amount paid to any other municipality in conjunction with this project.
6. EndCap is a limited liability corporation. The Town should be protected by adequate insurance and bonds for commercial general liability, automobile liability, property damage, environmental contamination and indemnification. The indemnification mentioned in the access agreement is useless without assets or insurance to pay potential claims
7. To further protect the Town of Norton, its employees, commissions, departments and committees the agreement should require bonds for the following.
 - a. Indemnification described in paragraph 6 of the access agreement.
 - b. Restoration of the roads in Norton used by the trucks.

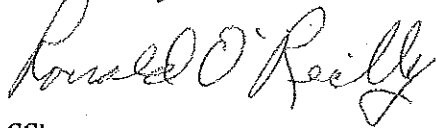
- c. Funding for completion of the capping of the project and future monitoring of Phases A and B. in the event EndCap defaults on the project or the projected revenue is not realized.

Other issues that should be given serious and comprehensive consideration are the following.

1. ALI currently operates two diesel engines using methane as fuel to generate electricity which is being sold to National Grid. There has been no information as to the revenue generated at ALI from the sale of electricity and the reason it has not been considered as a source of funding for monitoring of Phase A.
2. When ALI was operating as a large, commercial landfill, the owners included parties who should be considered Prospective Responsible Parties liable for the cost of monitoring of Phase A. Waste Management Inc. was the primary customer of ALI and is also a Prospective Responsible Party along with its customers whose rubbish was dumped at ALI.

When considering the feasibility of any project, the ethical behavior, credibility, moral turpitude and past conduct of the parties should be evaluated. EndCap and its hired guns have been deceitful, misrepresented facts, and lied about the material presented to the public. There is no reason to believe that EndCap and the people it will hire for the ALI project will do what is right for Norton and Attleboro in this project. The EndCap project to cap ALI should not be allowed to go forward.

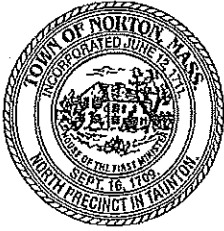
Yours truly,



cc:

Heather Graf, CAST Coordinator
229 North Worcester Street
Norton MA 02766

Mr. Kurt Schulte, President
EndCap Technology, LLC
555 South Street
Quincy MA 02169

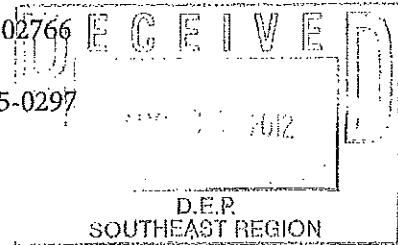


TOWN OF NORTON

70 East Main Street
MUNICIPAL CENTER, NORTON, MA 02766

Telephone: (508) 285-0212 Fax: (508) 285-0297

E-mail: myunits@nortonmaus.com



Michael D. Yunits
Town Manager

August 28, 2012

Richard K. Sullivan, Jr., Secretary
EOEEA
100 Cambridge Street, Suite 900, 9th Floor
Boston, MA 02114

Re: Attleboro Landfill Closure Project
"Phase B"

Dear Secretary Sullivan:


EndCap Technology, LLC has submitted a proposal for the capping of the Attleboro Landfill in the City of Attleboro. This project, on the border between Norton and Attleboro, as proposed, will result in the transporting of 650,000 cubic yards of construction and demolition fines, catch basin materials, street sweepings and dredge materials through the streets of Norton. The transporting of this contaminated material will require a minimum of thirty five (35) truck trips to as much as 70 truck trips per day, six days per week, through the streets of Norton for a minimum of 3 years.

This project will have a significant impact on the environment in the Town of Norton. The infrastructure in place is not adequate to handle the volume of trucks. Union Road is a narrow residential Street with no sidewalks. The street is already scheduled to be impacted by the final phase of the Shpack Superfund Cleanup on property abutting the Attleboro Landfill. The residents should not be subject to additional truck traffic. The air quality will be affected from the exhaust and dust emanating from the truck traffic.

The Norton Board of Selectmen request that this project be declared a project of regional significance and request that a Special Review Procedure is established as outlined in the MEPA regulations. A Special Review Procedure will enable the establishment of a Citizens Advisory Committee. This committee will provide the opportunity for neighboring communities impacted by the project to provide input to limit impacts on their communities.

Thank you for your consideration in this matter.

Sincerely,



Michael D. Yunits

Town Manager

cc: Board of Selectmen

Mark Dakers, Acting Bureau Chief DEP Lakeville

Senator James E. Timilty

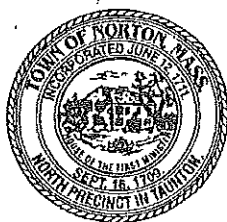
Representative F. Jay Barrows

Representative Elizabeth A. Poirier

Representative Steven S. Howitt

Mayor Kevin J. Dumas

Kurt Schulte, EndCap Technology



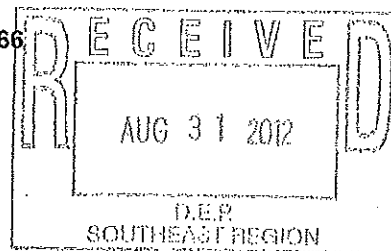
TOWN OF NORTON

BOARD OF SELECTMEN

70 EAST MAIN STREET

MUNICIPAL CENTER, NORTON, MASS. 02766

TELEPHONE (508) 285-0210



August 27, 2012

Mr. Mark Dakers
Acting Bureau Chief
Massachusetts Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

Re: Attleboro Landfill Closure Project
"Phase B"

Dear Mr. Dakers:

In response to the public meeting held in the Town of Norton on August 14, 2012, the Norton Board of Selectmen expresses our deepest concern over the current proposal for the Attleboro Landfill Closure. The proposal as presented calls for the transporting of 650,000 cubic yards of construction and demolition fines, catch basin materials, street sweepings and dredge materials through the streets of Norton. The transporting of this contaminated material will require a minimum of thirty five (35) truck trips to as much as 70 truck trips per day through the streets of Norton for a minimum of 3 years.

We first question the need for such an extreme expansion of this capping project. We understand DEP's desire to have a suitable cap on this landfill. However in your own guidelines for the capping of landfills you require that an impervious layer, such as clay or high density polyethylene, be placed on the upper two feet of the soil cover system. The final layer requires at least six inches of topsoil and seeding. The slopes shall be a minimum of 5%. Following these guidelines would require approximately 30,000 cubic yards of soil or 5% of what is being proposed.

In anticipation of the answer from the DEP, that this major expansion is required due to some crafty book keeping by Attleboro Landfill Incorporated that shows they have no funds for the capping and the perpetual care fund and need to generate revenue, the Town of Norton requests that your office utilize the most conservative accounting method available to determine the revenue needed.

We also question the utilization of the roads of Norton for the transportation of material to the City of Attleboro. We ask that all alternatives be reviewed for transportation of these materials. The suggestion was raised at the public meeting to review the use of rail transport. We support the study of this alternative. If the use of rail transport is not possible all truck traffic should travel in and out of Attleboro. The use of substandard Union Road as a trucking route for this project should be rejected. This is even more important as the adjacent Shpack Super Fund site enters the chemical contamination removal phase. There will be truck traffic both in and out of this narrow residential road during the Shpack cleanup. As has been true since the beginning of the project vehicles enter and leave through

Norton. We have not utilized any of the roads in Attleboro during the Shpack cleanup. Union Road cannot handle truck traffic from both projects at the same time.

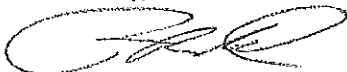
Prior to any approval for the work on the Attleboro landfill, we request that DEP seek written response from all parties involved with the Shpack cleanup. We want complete assurance from the engineers, involved in this \$70.5 million dollar Superfund clean-up, that the integrity of the site will not be compromised by any work at the Attleboro landfill.

The Norton Board of Selectmen will be contacting the MEPA Office to request that this project be declared a project of regional significance and request that a Special Review Procedure is established as outlined in the MEPA regulations. A Special Review Procedure will enable the establishment of a Citizens Advisory Committee. This committee will provide the opportunity for neighboring communities impacted by the project to provide input to limit impacts on their communities.

The Norton Board of Selectmen requests that another informational meeting be held to inform residents of Norton and Attleboro about the project. The previous meeting this month, during the height of the summer vacation season, did not afford many residents the opportunity of expressing their opinions. This project has been on hold for several years now and a one month delay to organize a meeting should not jeopardize the project.

We ask that DEP take into consideration our concerns for public safety, air quality, quality of life for our residents and impacts on the environment when considering plans for the capping of the Attleboro Landfill.

Sincerely,



Timothy Giblin, Chairman

cc: Kurt Schulte EndCap Technology

Richard Sullivan, Secretary EOEEA

Mayor Dumas

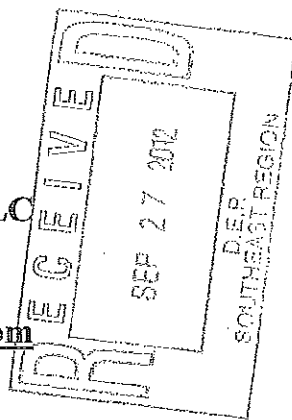
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President
EndCap Technology, LLC
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kschulte@endcaptech.com



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Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us

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09 24 12
Name: *Irma J. Heunrichner*

Address: *451 Pike Ave, Attle Ma 02703*

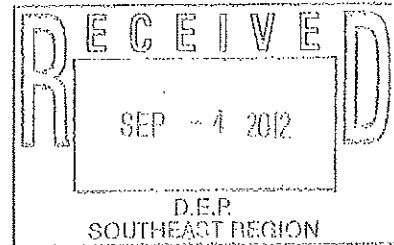
Deadline for Comments is: Friday Sept. 28th. PLEASE Do Not Delay!



Norton Conservation Commission
70 East Main Street
Norton MA 02766
508-285-0275
508-285-0277 fax
conservation@nortonmaus.com

August 28, 2012

Mr. Mark Dakers
Acting Bureau Chief
MA DEP
20 Riverside Drive
Lakeville MA 02347



RE: Attleboro Landfill Inc., Phase B

Dear Mr. Dakers,

The Norton Conservation Commission appreciates the opportunity to provide comment on the proposed Phase B of the Attleboro Landfill Inc. project. The public hearing was held on August 14, 2012 in Norton. Officials from Taunton did not appear to have been notified of the public hearing despite the proposed truck route using Taunton roads as well as Norton. Please require that the City of Taunton be properly notified of the project and be given the opportunity to provide comment.

During the public hearing, the proponents distributed handouts and displayed project plans, none of which were adequately explained to the public. The proponents did not appear to answer questions about the plans when asked. Please require that the proponents completely and fully describe the project using the proposed plans in the upcoming Attleboro meeting and any future meetings.

The proposal should be enhanced to clearly describe how contaminated materials will be prevented from leaching into the Town of Norton Shpack site or Norton wetland resource areas. Currently, the Attleboro Landfill leaches hazardous materials into Norton along the Shpack Superfund Site. The proponent should be required to provide documentation clearly demonstrating that Norton resources will not be further contaminated with materials brought to the site or leaching from the second phase of the landfill, even when capped. We request that the Department include requirements for monitoring along the Norton/Attleboro municipal boundary and contain safeguards for clean up should that occur in any decision rendered for this project. We request that all monitoring reports also be submitted to the Town of Norton.

Regarding the proposed truck route through Norton, the Conservation Commission has concerns regarding the substantial wetland resources on either side of Union Road. Union Road is a slightly elevated causeway between two large wetland systems. The two culverts near Chartley Swamp and the railroad tracks appear to be undersized and may be inadequate to handle the volume and size of the heavily-weighted trucks. Further, this section of the road is a well-known



Norton Conservation Commission
70 East Main Street
Norton MA 02766
508-285-0275
508-285-0277 fax
conservation@nortonmaus.com

location of wildlife-traffic conflicts, particularly for reptiles. The two culverts do not allow for aquatic species passage. Please consider requiring that these culverts be upgraded to meet the stream crossing standards by the proponents if truck traffic to ALI is to be diverted through the Town of Norton rather than through the City of Attleboro.

We request that the Department require the proponents investigate alternatives to the proposed capping design that will either reduce the height, overall footprint, and proximity to wetlands to that which is reasonably required to cap the landfill. If solar panels or other recovery systems are to be utilized to generate income for the monitoring portion of the project, then additional fill above that required to cap the landfill should not be necessary. Additional fill brought to the site raises concerns about erosion and stabilization of the site as well as construction-term and post-construction storm water management.

The project must be compliant with the 2012 Construction General Permit and Storm Water Management Standards. We request that the Department retain a consulting engineer to conduct the compliance review and monitoring during construction. If there is a winter shut-down, the site should be appropriately stabilized with temporary seed to prevent erosion and sedimentation.

As described by the proponents, Phase B is subject to the Wetland Protection Act and Attleboro Wetland By-Law. Please require that the Norton Conservation Commission receive a copy of the Notice of Intent application and plans and notification of the meeting in Attleboro. We further request a copy of the Comprehensive Site Assessment, Correction Action Design and Final Closure Plan.

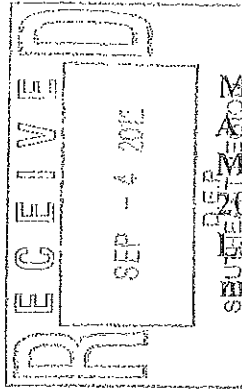
The Norton Conservation Commission supports capping a contaminated landfill to prevent further environmental damage provided that the methods do not impair or alter wetland resources. Thank you for your consideration of this matter.

Sincerely,

Jennifer Carlino
Conservation Agent

Cc: Kurt Schulte, EndCap Technology
Richard Sullivan, Secretary EOEEA
Michael Yunits, Norton Town Manager
Heather Graf, CAST Coordinator

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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Acting Bureau Chief
MassDEP, SE Region
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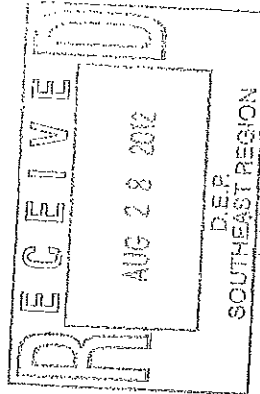
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Name: *TONY MEDEIROS* *Antonia Medeiros*
Johanna Medeiros
Address: *17 Union Road, Norton, MA*

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



Mr. Mark Dakers
Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us

Gentlemen:

I am writing to express my adamant opposition to EndCap's 2012 Proposal for the Capping of Attleboro Landfill Inc. (ALI).

The plan to import excessive amounts of 'slightly contaminated' materials to bail out a Private, For Profit Enterprise is beyond reason.

It is difficult to understand how the Massachusetts Department of Environmental Protection would even consider this plan.

650,000 Cubic Yards of Undesirable Materials: Which equals one million, two hundred thousand TONS is almost unfathomable. It is estimated that 27,000 Trucks would be required to haul in this amount of 'Slightly Contaminated' Soils and Debris.

The negative impact associated with this project is obvious and unacceptable to the residents of our communities.

The addition of obscene amounts of contaminated soils and debris, to the existing noxious 'ALI Mound' and the Shpack Superfund Site, cannot be tolerated.

I trust that when all of the comments and demands are considered, reasonable minds will prevail - and this EndCap Project Proposal will either be withdrawn or rejected by MassDEP.

Lisa M McIntosh
Norton, MA

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Name: Ellen R. Low

Address:

69 Halden St
Attleboro, MA
02723



69 Halder St
Attleboro, Ma.
September 25, 2012.

Addendum

Dear Sir:

The stated Mission of the DEP is "to ensure clean air and water, the safe management of toxic waste and hazards, the recycling of solid and hazardous waste, the timely clean up of hazardous waste sites and spills and the preservation of wetlands and coastal resources."

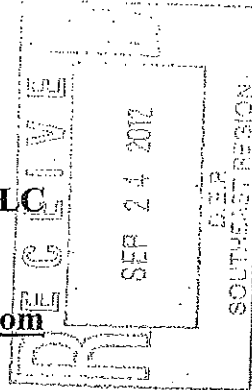
The impact of the completion of one part of the mission should not have a greater impact to the negative on another part of the mission or community.

The impact of the extraordinary increase of truck traffic on Halder Street (a residential street and neighborhood) would only add to the already proven air pollution and noise pollution over the residents all ready experience 24/7. This un-managed existing pollution by excessive emissions have a very negative effect on our health and well being. The pollution also negatively affects the Buryay River Project.

All DEP traffic should travel on appointed state and interstate routes such as routes 123, 140, 495 and 95. These are readily accessible to them without damaging neighborhood and our home. There is no need to traverse No. Main Street and Halder Street.

Sincerely, Ellen F. Law

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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Name:

Judith M. Lesonsky

Address:

174 John Street Blvd. Norton MA 02766

Deadline for Comments is: Friday Sept. 28th. PLEASE Do Not Delay!

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com

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Name: Yolande Laque
Address: 11 Berry St Boston Ma 02766

Deadline for Comments is: Friday Sept. 28th. PLEASE Do Not Delay!

22Sep12

Tom & Lynn Larkin
78 Holden St.
Attleboro MA 02703
Home: 508.226.5609

Mr. Kenneth Kimmell
Commissioner
Massachusetts Department of
Environmental Protection
One Winter St.
Boston MA 02108

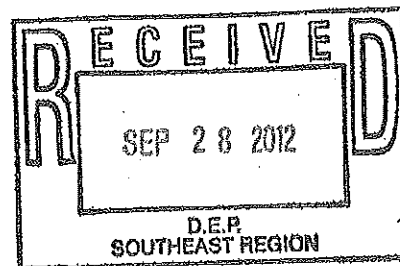
Mr. Kimmell:

We are writing this letter to express concern over the project to cap the Attleboro landfill. In effect, this project is actually to reopen the Attleboro landfill for a number of years. The logistics associated with reopening the landfill produces a great deal of risk for the citizens of Attleboro, in terms of the potential for exposure to contaminated waste as well as the potential safety impact of the proposed truck transport on the streets that cannot support these trucks, in practice and in ordinance.

We would appreciate your attention in this important matter.

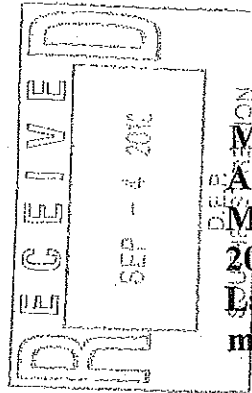

Tom Larkin


Lynn Larkin



Ken
Gary - FYI
Phil V.
Mark D.

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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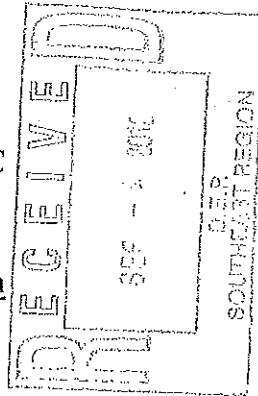
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Name: DALE HURD

Address: 41 N. WASHINGTON ST., NORTON, MA, 02766

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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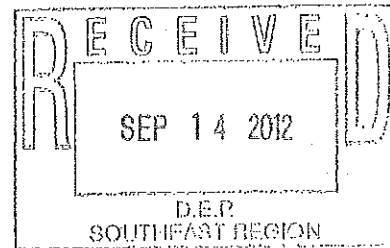
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Name: *Rosemarie Hoyle*
47 Pine St.
Address: *Norton, Ma. 02740*

Deadline for Comments is: Friday Sept. 28th. PLEASE Do Not Delay!



9/10/12

Mark Dakers, DEP Bureau Chief

RE: Attleboro Landfill

20 Riverside Drive

Lakeville, MA 02347

Dear Mr. Dakers:

After reading an article in the Attleboro Sun Chronicle regarding the capping of the landfill on Peckham Street, I was compelled to write to you. My concerns are as follows:

1. The proposed truck route down Pike Avenue is very narrow, especially over the railroad bridge.
2. The intersection at the beginning of Pike Avenue and Pleasant Street (where the trucks would be exiting) is difficult to negotiate and quite dangerous.
3. The volume of trucks is unacceptable!!!!
4. The schedule of 6 days per week is excessive.
5. Why is "slightly contaminated" soil being used in this project?

Would you kindly give your consideration to another plan which would be more efficient and more environmentally sound.

Thank you from a concerned resident,

Louise E. Holander

A handwritten signature in cursive script that reads "Louise Holander".

Ward 4 faces toxic reality at landfill

Guest column

as interesting to see the headline in Aug. 25 paper, "A Toxic Legacy" more interesting a local supporting "Our Toxic Legacy."

Stories talk about brownfield projects, place, or that have the means of financial support through several federal state sources.

though these projects are important, re in Ward 4 are faced with a toxic legacy of our own with zero funding.

Hebore Landfill has been under an Department of Environmental Protection to complete the capping and clean up of this site on Peckham Street since 1903.

adhes concluded that there was a potential for contamination to the ground that will continue until the 8-10 acre is properly capped.

Aug. 14, a public meeting was held to provide residents with information on additional material and discussion on proposal by EndCap Technologies to seal and close this site. The concerns expressed from citizens ranged from the volume of incoming trucks that would be traveling down Norton residential roads and streets to the landfill, to environmental, health and safety concerns.

in terms of the additional slightly contaminated debris, dirt and soil needed to shape and cap the landfill.

From where I sit, it appears Norton may very well be in the driver's seat holding the key to what could transpire with the effort to complete the capping and closure of the Attleboro landfill. Of course, DEP is ultimately the one who would start the engine.

Norton, whether they know it or not, find themselves in a very good position on this issue. They could virtually name their own price on a tipping fee that could generate a huge chunk of revenue for the town.

The reason for this possible windfall is that they are the last holdout from the following dealings.

In 2009, an agreement was reached between the City of Attleboro and EndCap Technologies to allow the contractor use of a specifically designed outbound truck route that would allow a minimum of 35 trucks per day to travel from the landfill on Peckham Street down Pike Avenue out to Pleasant Street and onto Starkey Avenue, Holden and North Main streets to Interstate 95 North. According to the proposal, this would go on from 7 a.m. to 4:30

P.M. Monday through Saturday for at least three years.

As the representative of Ward 4 on the city council, I am appalled that my neighbors and friends in Ward 4, particularly along the proposed truck route, have had no input or choice but to accept this outcome. Ward 3 residents have a stake here as well, since the trucks will be traveling on Starkey, Holden and North Main Streets.

Just the other day Taunton asked for a mitigation agreement. If you read into this as I do, it means Taunton can be bought.

Attleboro residents have been sold out. Taunton says show me the money and Norton, well, it remains to be seen whether they know it or not, no pun intended, they seemed to hit pay dirt here. I address the following as an open letter to Ward 4 residents.

Recently I have been receiving a high volume of calls regarding the closure of Attleboro Landfill on Peckham Street. I am appalled that we have had such limited information with no input on a matter that would directly impact us on a daily basis, particularly our neighbors along the proposed truck route. Here's a condensed breakdown of the proposal.

► The proposal calls for this work to be performed over at least a three-year period.

on six days per week.

► Over 27,000 trucks carrying "slightly contaminated" soil and construction debris will travel through Taunton and Norton to the landfill.

► The trucks will empty their loads at the Attleboro Landfill.

► The trucks will then exit via the following designated and agreed upon route. As I promised you during my campaign, I have and will continue to be vocal on issues big or small that impact us. As you have read above, this affects us in many ways. This issue has many layers that cannot be fully examined and understood via a simple few paragraphs.

I would urge all residents of Attleboro to take advantage of a comment period that will close on Sept. 28, and write any comments you may have to the Mayor's Office and the following address.

Mark Dakers, DEP Bureau Chief
R.E. Attleboro Landfill
30 Riverside Drive
Lakeville, MA 02347

JOHN WATMAN WREY of Attleboro is Ward 4 city councilor. In "Attleboro Landfill capping plan still causing a stink" (Aug. 31) Mayor Kevin Dumas rejected Weydt's contention that the agreement "sold out" Ward 4.

THE SUN CHRONICLE

Attleboro — North Attleboro, Mass.

The Evening Chronicle established 1887
The Daily Sun established 1889
The Sun Chronicle established 1971

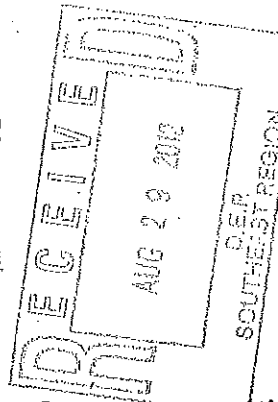
Oreste P. D'Arconte, Publisher

Mike Kirby, Editor

Guy S. DeVany Publisher 1958-1983 Paul A. Nixon Publisher 1983-1998

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President
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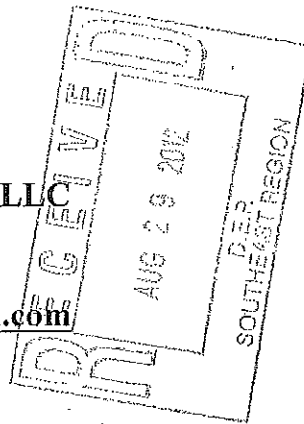
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Name: Mr. & Mrs. Edward Hallahan
118 South Worcester St.
Address: NORTON, MA 02766-2101

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)

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President
EndCap Technology, LLC
555 South Street
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kschulte@endcaptech.com



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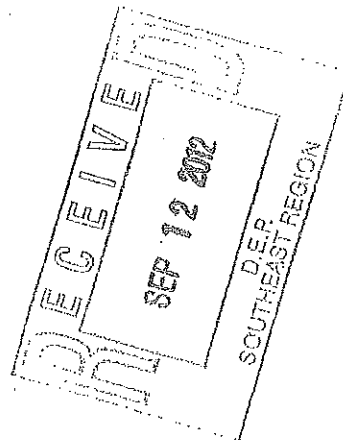
Name: *WAYNE A. GRAF*

Address: *229 No. WORCESTER ST., NORTON, MA*

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)

September 7, 2012

Mr. Mark Dakers, Acting Bureau Chief
MassDEP, Southeast Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us



Re: EndCap Project Proposal for Attleboro Landfill Inc. (ALI)
Third Comment Letter from Heather Graf, CAST Coordinator 6 Pages

Mr. Dakers,

Please accept the following as my third and (hopefully) final comment letter on EndCap Technology's 2012 Plan for Capping of the ALI 'Phase B' Parcel.

First I would like to address the existing conditions at the ALI 'Phase A' Site which has been capped and certified by MassDEP.

Investigations conducted at the abutting Shpack FUSRAP/Superfund Site, prior to issuance of the Record of Decision (ROD), confirmed that there was leaching from the ALI 'Phase A' Site (Mound) into the Shpack Site. This was one reason why Norton accepted a lower level of cleanup for the Shpack Site.

Investigations conducted by GHR Engineers of New Bedford, MA back in March of 1980 stated that Volatile Organic Compounds (VOCs) had been detected in groundwater at Shpack and ALI.

[March 25, 1980 GHR Report: In samples collected from 10 observation wells on ALI Property on Peckham St., plus 2 samples of contaminated soil from the Shpack Property – 15 volatile chemicals were detected in 1 or more observation wells. Eight of the volatile organics exceed human health criteria. They are as follows: Vinyl Chloride, Methylene Chloride, Chloroform, 1, 2 Dichloroethylene, Bromodichloromethane, Trichloroethylene, Benzene and Tetrachlorethylene. These volatile organic compounds are considered to be potential carcinogens if consumed in drinking water, fish or shellfish. If a chemical is suspected of being a human carcinogen, there is no recognized safe concentration in drinking water or food which will provide absolute protection of human health except Zero.']

Also it was determined that the groundwater flow from ALI (Phase A) was towards the west, north and east. The Northeastern groundwater flow was discharging into Chartley Pond and Chartley Swamp.

Keeping in mind that this GHR Engineering report is from 30+ years ago, and science has advanced since then in sounding alarms for many more contaminants at much lower concentrations, there is legitimate cause for concern regarding exactly what VOCs are present at the ALI 'Phase A' Site, and to what extent they may be leaching into the surrounding areas including: The abutting Shpack Site, Chartley Pond & Chartley Swamp, and Peckham St., and may also be migrating even further in the groundwater.

CAST would like to know what steps MassDEP has taken: To determine what contaminants are buried in the Attleboro Landfill 'Phase A' Mound, and gauge where they may be migrating to...

What are the: past, present and future monitoring activities at the ALI 'Phase A' Site (at existing onsite wells, the boundary with Shpack and at Peckham St.)?

In a US EPA sampling of residential wells (2001 -- 2003) on Peckham St., Attleboro and Union Rd. & Maple St., Norton: VOCs were detected in 4 out of 6 wells tested, with the highest levels of MBTE (methyl-tert-butyl-ether) found in a house on Peckham St. (House #2).

MassDEP should be monitoring the entire periphery of the ALI 'Phase A' (Mound) Site - to determine what leaching is occurring, and further: What corrective actions may need to be taken at that site.

CAST had previously requested that MassDEP document the conditions at the ALI 'Phase B' Site. This should include: Existing Groundwater Data for the 'Phase B' Site.

The notion that: Hauling in One Million, Two Hundred Thousand Tons of Contaminated Debris (equal to/or worse than what you propose to cover), creating another noxious Mound (where a low and level relatively benign overgrown wetlands parcel now exists) will somehow 'Protect Groundwater'-flies in the face of reason.

For the record: CAST believes the whole rail issue is a 'red herring' – an option that never was seriously considered and never will be. EndCap is a trucking operation.

And this just in: Jay Cashman trying to make inroads (forgive the pun) in Norton to stem the opposition here, placed a call to a friend in the business with ties to Norton. When the person responded that Union Rd. was very narrow, the answer from Cashman was 'We Plan To Widen It'.

If Cashman (or anyone else) thinks that widening Union Rd. in Norton is a nice carrot to tempt acceptance of their project, they are way off base. Quite the contrary: Any talk of widening Union Rd. would create a Firestorm on all levels. The road has already been widened to the greatest extent possible. Homes up at the S. Worcester St. end have no frontage. Complications include: The CSX Rail Line, Chartley Pond and Chartley Swamp, The Shpack Superfund Site and Staging Areas. And finally, Ron and Janet O'Reilly - who own the lovely home and property closest to Shpack and ALI, plus 29 Acres of woods on both sides of Union (which come right up to the roadway). With 5 lawyers in the family - The O'Reillys would tie EndCap, Cashman (or whomever) up in court forever. They will not get one inch of O'Reilly Property!

There must be a humungus profit for Cashman/EndCap if they think they could afford additional costs associated with the widening of Union Rd.

CAST hereby requests EndCap include that in their Financial Model Statement.

This is the sixth time in twelve years that I have been involved in a 'Bail Out ALI Scheme'.

In 2012 EndCap put a whole new face on their project, with underhanded maneuvers meant to deceive, and achieve their goals by any despicable means.

The project this time has proven very divisive (especially for the City of Attleboro). Residents and Officials of this area deserve better, and we expect DEP to stand up for US.

It is time for the Massachusetts Department of Environmental Protection Agency to put an end to this nonsense.

Thank you for consideration of these additional comments,
Heather Graf, CAST Coordinator

CC:

Kurt Schulte, President EndCap Technology LLC

Robert Johnson, MassDEP SE Regional Office

Garth Patterson, Congressman Barney Frank's Office

State Senator Jim Timilty

State Representatives: Betty Poirier, Jay Barrows, Steven Howitt, George Ross

Mike Yunits, Norton Town Manager

Norton Board of Selectmen: T. Giblin, B. Bramwell, B. Salvo, M. Steele, B. Kimball

Jennifer Carlino, Norton Conservation Agent

Leon Dumont, Norton Health Agent

Diane Battistello, Norton Board of Health

Ron O'Reilly, CAST Assistant Coordinator

Mayor Tom Hoyer, Taunton

DPW Commissioner Fred Cornaglia, Taunton

Norton Police and Fire Chiefs, Norton Highway Superintendent

Attleboro City Councilors: Richard Conti, Jonathan Weydt, Walter Thibodeau

George Spatcher, Roxanne Houghton, Ted Leach, Charles Adler, Jackie Romanecki

Tara Henrichon, Mass. Audubon

Keith Carreiro, Candidate for State Representative

Scott Acone, US Army Corps of Engineers (Shpack)

Melissa Taylor, US Environmental Protection Agency (Shpack)

Garry Waldeck, MassDEP, Bureau of Waste Site Cleanup (Shpack)

Michael Last Esquire, Shpack Steering Committee (PRP Group)

John D'Agostino and Tim Pac, ERM (Shpack)

Frances Shirley and Linda Kollett, Norton Land Preservation Society

Press: Kassmin Williams, Heather Harriss, Kelly Mello, Jonathan Friedman

END

August 15, 2012 Comments In Response to Aug. 14, 2012

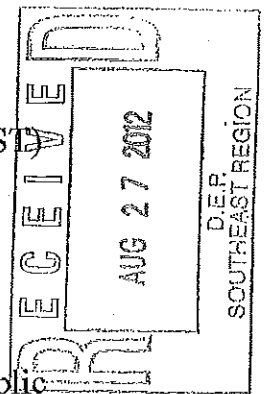
Public Information Meeting in Norton
EndCap Technology's Proposal for Capping of Attleboro Landfill Inc.
From Heather Graf, Coordinator 'Citizens Advisory Shpack Team' (CAST)

Four Pages

TO:

Mr. Kurt Schulte, President – EndCap Technology LLC

Mr. Mark Dakers, Acting Bureau Chief – MassDEP, SE Region



The 'Citizens Advisory Shpack Team' hereby demands that a second Public Information Meeting be scheduled by EndCap for September 2012 (after Labor Day) in Attleboro. It should be held on a Wednesday night to allow an opportunity for individuals who had a conflict with the Tuesday evening session in Norton (Including Taunton Officials).

Location: To be determined by Attleboro Mayor Kevin Dumas.

Three weeks advance notice should be given for the meeting.

Current and Accurate Materials (copy of meeting presentation slides and the Q&A Info. Sheet) should be received by Norton's Town Manager and the Mayor of Attleboro at least 10 days prior to the public meeting.

EndCap should provide enough handouts of their Slide Presentation for all attendees. (CAST should not have been the sole provider of informational handouts at the August 14, 2012 public meeting in Norton).

Microphones should be available for presenters, as well as the audience.

'CAST' also officially requests of MassDEP that the 21 day comment period be extended, and the clock not start ticking on the comment period until this second Public Information Meeting has been held in Attleboro.

Further CAST hereby requests/expects EndCap to provide in writing:

Project Financials required by the Department's Grading and Shaping Regulations.

Financial Analysis of the Project Costs Versus the Projected Income.

If the project moves forward: Quarterly Financial Reports provided in the event that more money is generated and less materials are needed.

A 'Landfill Assessment' including evaluation of potential impacts resulting from the types and quantities of materials brought to the site for closure activities. Both short and long-term (after closure) impacts shall be evaluated.

[The actual or potential public health, safety and environmental threats attributable to the proposed site activities must be considered by MassDEP in determining the type and extent of the selected closure.]

A 'Corrective Action Alternative Analysis' which evaluates: No action scenario, consolidation of waste into a smaller footprint**, closure of the site in accordance with standard regulatory requirement: grading and shaping necessary to establish minimum closure grades (5%).

[Note: At a 2006 meeting in Norton with reps. from Jay Cashman Inc., EndCap Tech., Mass DEP, and ALI Attorney – Michelle O'Brien: It was stated that the size of the footprint could be reduced to 6 acres, and that 50,000 cubic yards would be sufficient to cap that].

EndCap: Clarify the Number of Acres Identified as 'ALI Parcel B' (8? 10? 13?) What are the Current Conditions at the Site?

[The extent of closure activities must be determined by MassDEP evaluating present conditions and alternatives, including the 'no action' alternative, and construction of a standard cap.

In 2006, DEP stated the project proponent should minimize the size and scope of the project to the extent feasible, and mitigate impacts to ensure community support.]

CAST also Requests from EndCap in Writing:

A 'Formal' Traffic Study by a certified traffic engineer.

EndCap - Clarify the number of Inbound Trucks (35? 50? 75?) and Provide a 'Not to Exceed Number'. Plus the Size and Weight of trucks used.

Clarify the volume of 'slightly contaminated' material proposed to be brought in to the site (650,000 cubic yards = One million, two hundred thousand Tons of Undesirable Material).

Clarify Duration of the Construction Project (Years) and On Site Activities.

Provide: a 'Chemical Quality Management Plan' for the slightly contaminated materials proposed to be used, how they will be handled and retested.

Provide 'Confirmatory Testing Plan' for incoming materials. Random soils coming in to the project will be selected by the Norton Health Agent for retesting to insure no hazardous waste slips by the developers at the site. Project Proponent must provide specific identification of the source(s) and nature of the materials to be brought to ALI.

The Norton Board of Health expects to visit the construction site(s) from where the materials will be coming.

[MassDEP must determine that closure materials will not increase quantities of leachate or landfill gas, and not increase nuisance conditions, such as noise, dust or odor at the site.]

Provide: EndCap's schedule establishing when key components of the closure are expected to begin and be completed (4 Years?)

Detailed information on the type of truck coverings to be used and procedures for decontamination of trucks leaving the site.

Norton and Attleboro Conservation Agents expect to see Wetlands Delineation and Endangered Species Information required by Department regulations. This area IS wetlands.

'CAST' further demands that EndCap's ALI Capping Project adhere to Federal Truck Weight Limits of 80,000 pounds fully loaded, to protect roads and public safety.

That the Host Community Tipping Fee be set at the standard \$1.00 Per Ton, (Not \$0.25 as has been offered to Norton & Attleboro). The tipping fee paid to Norton should be based on the weight of the inbound trucks loaded.

That EndCap negotiate with the City of Taunton for the Inbound Loaded Trucks using Taunton roads between Rte. 495 and Rte. 140 in Norton.

That EndCap provide a detailed Traffic Management Plan to demonstrate how their trucks will deal with or avoid conflict with:

Inbound and Outbound trucks on Union Rd. in Norton used for the ongoing remediation of the Shpack Superfund Site (insufficient width).

A 'No Thru Trucking' Restriction on Pike Ave. in Attleboro

Trucks passing by School Bus Stops along residential routes, during project operating hours of 7:00 AM to 4:30 PM Monday through Friday.

That there will be a Peer Review of the project agreements by an Independent Licensed Site Professional (chosen by the Town of Norton), to determine the feasibility of the project, and whether any negative impacts could be anticipated on the adjacent remediated Shpack Superfund Site.

Any 'Mitigation Agreement' between EndCap and the Town of Norton should Include (but not be limited to) - Costs Incurred by the Town for:

Legal costs already incurred, and to be incurred by the Town of Norton for Town Counsel to review and negotiate terms of EndCap agreements.
Indemnification of the Town of Norton for any and all claims resulting from the project.

Assurance bonds for funding to complete the capping of ALI, and future monitoring & maintenance in the event EndCap defaults on the project or the projected revenue is not realized.

Cost to Norton Highway Dept. for photo documentation of road conditions, and cost for restoration of roads that were used for the project after project's completion.

An insurance consultant for Norton - to recommend coverage and performance bonds to be purchased by EndCap LLC (a limited liability company) to protect the Town of Norton for the duration of the project, as well as future monitoring & maintenance of ALI.

Costs incurred by the Town of Norton's Police Department for truck traffic control and enforcement, and response to calls associated with the project.

Costs incurred by Norton's Fire Department for response to calls associated with the project.

Costs incurred by Norton School System for additional crossing guards, police escorts, details or other measures taken to ensure their student's safety.

NOTE To Other Recipients of This Letter:

Comments Should be Sent to –

kschulte@endcaptech.com

mark.dakers@state.ma.us

Current Deadline is Tuesday September 4, 2012 (Day after Labor Day)

Heather Graf, CAST Coordinator (Copies of other letters appreciated)

229 N. Worcester St. Norton, MA 02766

Ph: (508) 226 – 0898 E-mail: heathergraf1@comcast.net

August 23, 2012 Comments In Response to Aug. 14, 2012 **Part II**
Public Information Meeting in Norton 8 Pages
EndCap Technology's Proposal for Capping of Attleboro Landfill Inc.
From: Heather Graf 229 N. Worcester St. Norton MA 02766

I submitted a four page Comment Piece - Dated August 15, 2012
As: Coordinator of the 'Citizens Advisory Shpack Team' (CAST).

This Comment Piece: Part II is my own personal response to the EndCap sponsored Public Meeting, and their 2012 Proposal for Capping of ALI.
[Note: I do not live along the trucking route or near to the ALI Site.]

Included are Comments that should have been noted by you at the meeting (minus the drama), and others for the record:

EndCap's 'Mitigation Agreements' with both the City of Attleboro and the Town of Norton are garbage. All that is detailed in these 'legal documents' are the Proposed Trucking Routes, and a 'Host Community Tipping Fee'.

Neither Route Works.

EndCap simply did not do its homework:

A 'Q & A' four page piece (along with a thirteen page blue slide presentation packet) sent via e-mail to Norton's Town Manager - Mike Yunits on August 3, 2012 clearly states: In the Last Sentence of Paragraph 2: **"Remediation activities for the Shpack site have been completed"**.

This is **WRONG!**

Apparently someone in receipt of my recent communications (noting the serious error) notified EndCap prior to the public meeting, and the paragraph was rewritten to state: remediation activities would continue for a couple more years.

I resent Attorney Richard Nylen's attempt to save face, and discredit me to the 75 people in attendance at this meeting with a lie, saying that the document in question never read as I maintained it had.

Tim Giblin - Chairman of the Norton Board of Selectmen (seated in the front row) came forward to show Attorney Nylen the original Q & A Piece that we were in receipt of, and Nylen blew him off.

This is the second time this year that EndCap's attorney has been caught in a clear misrepresentation of the facts.

The first instance was in a letter dated January 23, 2012 from Richard Nylen, to Norton's NEW Town Manager Mike Yunits, which accompanied a 'Letter of Agreement for your execution'. Nylen's letter stated that "EndCap and the Town of Norton, acting through its (former) Town Manager, (had) reached an agreement on a mitigation payment after long discussions and public meetings." Nylen expected Mr. Yunits to sign the new document. There was **NO such agreement** signed with the Town of Norton.

A two page letter from EndCap President Kurt Schulte to Norton's former Town Manager Jim Purcell - dated January 2008 was also attached with Nylen's January 2012 packet sent to our NEW Town Manager Mike Yunits. The information in this document is ancient **history and no longer relevant in 2012**. But a NEW Town Manager would have no knowledge of that.

Until August 3, 2012 – there was no solid information provided to the Town of Norton relative to EndCap's 2012 Proposal, just pressure to make a deal.

Not only was the information in their 2012 Q & A Piece false... EndCap's Blue Slide Presentation Piece sent **11** days prior to the **August 2012** Public Meeting was dated **November 24, 2008!**

And Information in the two documents provided at the same time (August 3, 2012) did not even match.

EndCap's Q & A Piece stated that: **"An Average of 35 Trucks per day will arrive at the site."**

The Blue Slide Presentation Piece from 2008 stated that: **An Average of 50 Trucks per day will deliver material to the site, 75 Trucks will deliver on peak days."**

And we had been told the 2012 proposal would be identical to EndCap's 2008 Plan.

In EndCap's Presentation at the Aug. 14, 2012 Public Meeting, it was stated that **Closure Activities would take 4 years: 3 years to 'cap' the landfill, and 1 additional year to close the landfill with loam and seed on top of the 'cap'.**

This information is consistent with statements from Attorney Nylen in a letter to Norton Town Manager Mike Yunits dated June 7, 2012.

But a four year time period exceeds what is allowed by MassDEP.

Also consistent is the **Volume of Materials in cubic yards that EndCap proposes to bring in: 650,000 Cubic Yards [which equals: One Million, Two Hundred Thousand TONS!]**

The Army Corps of Engineers Project Manager for the Shpack Superfund Site estimated that 650,000 Cubic Yards of Material would require **27,000 Fully Loaded Dump Trucks One Way/Inbound.**

EndCap's 2012 Q & A Piece defines the **Trucking Routes for both Attleboro & Norton.** This information is consistent with that provided in 2008, and also in 'Mitigation Agreements' for both Attleboro and Norton. **Both Trucking Routes FAIL!**

EndCap's Inbound Trucking Route in Norton Includes **Union Road.**

Because: Remediation Activities will still be ongoing at the Shpack Superfund Site

Because: Both Inbound and Outbound Trucks working at the Shpack Site will continue to use the same Route as EndCap proposes

Because: Both Shpack & EndCap Routes Include Union Rd.

Because: Union Rd. has insufficient width to accommodate trucks passing in both directions

Because: Remediation of the Shpack Superfund Site is an obvious PRIORITY

EndCap's Proposed Inbound Trucking Route Through Norton - FAILS.

EndCap's Outbound Trucking Route in Attleboro Includes **Pike Avenue.**

Because there is a 'NO THRU TRUCKING' Restriction on Pike Ave.

EndCap's Proposed Outbound Trucking Route Through Attleboro - FAILS.

The 'Host Community Tipping Fee' EndCap is offering to Attleboro and Norton is **25 Cents Per TON.**

This is one quarter of the Standard Tipping Fee which is \$1.00.

In Richard Nylen's June 7, 2012 letter to Mike Yunits, he estimated after 4 years time the TOTAL Payment to the Town of Norton would be:

\$162, 500. That is Chump Change!

One must assume the payment of 25 cents per TON is based on the weight of EndCap's UNLOADED Trucks.

A Question was posed at the August 14, 2012 Public Meeting by Joan DeCosta of Norton - concerning whether the **City of Taunton had been approached about EndCap's Proposal.**

The Answer was **NO.**

This, in spite of the fact that EndCap's **Proposed Route for all Inbound Loaded Trucks is Through Taunton.**

I would suggest, that unless EndCap proposes to pay a **Tipping Fee to Taunton, that portion of their Inbound Route – also FAILS.**

Mayor Hoyer of Taunton was briefed on the project by Ms. DeCosta, and their Commissioner of Public Works attended the public meeting in Norton. On August 20, 2012 a letter from Fred Cornaglia was sent to Attorney Richard Nylen outlining: **Mitigation expected by Taunton. This includes the 'standard' \$1.00 Tipping Fee** as well as other conditions. The letter was also sent to Mark Dakers at MassDEP and Kurt Schulte at EndCap.

EndCap's Entire Approach to the ALI Capping Project in 2012 has been at best: **Unprofessional, Confusing and Sloppy.**

Whatever level of **Trust** that might have been achieved between EndCap and The Town of Norton, has been sacrificed with (in my opinion) apparent Underhanded Maneuvers.

Contact Person and Public Meeting Moderator: Attorney Richard Nylen
Engineering Project Presentation at Public Meeting: Lewis Conley (Vice President, Jay Cashman Inc.)

Official Comments to be Sent to: Kurt Schulte (President, EndCap Technology LLC).

For The Record, Please Clarify Existing Conditions of ALI Phase B:

Total Acreage of ALI Phase B Parcel (23? 13? 10? 8?)

Total Acreage where materials were dumped? During What Years?

Type of materials? Volume of materials? Source of materials?

It appears this plan is to bring in a huge amount of material to cover a small amount of relatively benign material making a **Mountain out of a mole hill.**

The existing materials on site (some B&C Debris?) could/should be **consolidated into a smaller footprint (6 acres?) which would require a much lower volume of materials to cover (50,000 cubic yards?)**

What exactly is the MINIMUM Volume of Clean Materials necessary to cover and cap ALI Phase B?

Was there ever any type of cap installed on ALI Phase B ?

Questions & Comments from Meeting Attendees:

David Davignon, Norton. Asked Heather Graf about how hard Norton fought for: An Acceptable Level of Cleanup at the Shpack Superfund Site, and to keep the remediation process on track. Twelve plus years since the ACOE came to town to discuss this with Norton, and 70.5 Million Dollars later, we are finally seeing the light. Perhaps two more years of on site activities by the US EPA and PRP Group, beginning in the Spring of 2013 (cleaning up chemical contaminants and heavy metals) and the Site should finally be remediated and ready for closure. The Army Corps Project Manager for Shpack, when advised of the EndCap Plan asked me 'Why would Norton even consider that?!' Good Question...

Why even consider importing 650,000 cubic yards of undesirable 'slightly contaminated' materials (debris & soils) to expand an already menacing ALI Mound, to then surround Shpack on two sides, and loom over another Norton neighborhood (Maple St.). Norton accepted a lower level of cleanup for the Shpack Superfund Site, due to the uncontrolled leaching from the ALI Phase A Mound onto Shpack. This, in spite of the fact that the ALI Phase A Cap has been accepted and certified by MassDEP.

[Prior to the Public Meeting, Norton's Police Chief had asked me about the trucking activities associated with the cleanup of the Shpack Superfund Site: All of the trucks involved with remediation of the Shpack Site were performing a valuable service: Hauling out radioactive and other hazardous materials, bringing in clean soils and sand, for remediation of our decades old toxic waste dump. Details of their operations were provided, professionally managed and tightly monitored by Army Corps personnel. According the ACOE Project Manager: 51,000 cubic yards of material was removed from the Shpack Site, with a total of 2,120 trucks used to haul that amount of material out. The Army Corps PM also reminded me that truck trips occurred in batches, with starts and stops while excavating activities were ongoing.

EndCap's trucking activities would be consistent and non-stop.

And 27,000 trucks would be needed to bring in 650,000 cubic yards of material.]

Tom Stevens, Norton. Asked what was going to be done to compensate him for negative impacts to his (over one million dollar) property on Maple St. which backs up to the site. Nothing. Stevens moved out of Boston and bought a property in the woods, to get away from 'that stuff'.

EndCap expects the Stevens family and their neighbors of the Maple and Slater Street Areas to endure 4 years of construction activity:

With at least 27,000 trucks entering and exiting the site, six days a week, from 7 AM to 4:30 PM, the annoying sound of brakes & backup signals, the racket associated with lifting of truck beds, slamming of tail gates, and then the noise, vibration, dust, disruption, odors, and potential pollution of air and water caused by an excavator and bulldozers moving One Million, Two Hundred Thousand Tons of material around.

And after four years time, what are the residents of the Maple/Slater Street Area left with? A new menacing Mound of Debris piled high in their midst. So much for your (million dollar plus) property in the woods Stevens. And too bad for the wildlife in the area which would be displaced.

Denny Goodrich, Norton. Expressed concern for Public Safety, especially for children on Union Rd. and Sturdy Street who must wait for school buses at the corner of Union Rd. and S. Worcester St.

State Rep. Jay Barrows. Asked about the runoff from the huge pile of 'slightly contaminated' materials being brought in and moved around, during the construction phase. Vague response.

Janet O'Reilly, Norton. Was interested in Lewis Conley's involvement with BATG Environmental of Hingham, MA. Norton dealt with Mr. Conley back in 2002 when he was Project Manager for BATG, coming forth with this same Proposal, which we have since seen from him again working for EndCap (2006 & 2008), and now in 2012 as V.P. of Jay Cashman Inc. It should come as no surprise that Conley gave the Engineering Presentation at this 2012 Meeting (even though he is now Vice President of Jay Cashman, Inc.) Jay Cashman Inc. has been, and continues to be – the huge construction firm (working on such projects as the 'Big Dig' and the Greenbush Rail Project) which needs to find places to dump their Undesirable 'Slightly Contaminated' Soils and Debris.

What Ms. O'Reilly was most interested in was a May 2003 report in the Worcester Telegram & Gazette – relative to an indictment against BATG for submitting false documents about debris dumped at a Salisbury Landfill. 'A landfill used by BATG Environmental was closed by Salisbury Health Officials after asbestos-lined pipe, concrete, wires, bricks and other debris were found in the fill.'

State Rep. Jay Barrows assailed EndCap for scheduling this Public Information Meeting in the Middle of August, when half the world is on vacation, and holding it in a sweltering school cafeteria. Attorney Nylen responded that EndCap wanted to hold the meeting in July. HUH? Actually, EndCap argued against holding a public meeting at all, but MassDEP insisted. What better way for a project proponent to discourage turnout than this type of planning? Norton has a Community Room in the Public Library. It is air conditioned, comfortable and seats 100 +. If EndCap had checked with Norton officials, this would have been the recommended place for their Norton Meeting. Rep. Barrows insisted that another Public Information Meeting be scheduled after Labor Day, in a more appropriate location. This demand is included in my first Comment Piece (Dated Aug.15, 2012).

I won't list all the other important questions and comments coming from a very engaged, vocal and adamant audience. Hope MassDEP was taking notes. I also have encouraged all interested parties to submit comments in writing before the 21 Day Comment Period is set to expire on Tuesday, Sept. 4th. [An Extension Has Been Requested.]

Towards the end of the meeting, a Norton resident voiced her concern that the public needed to be provided with more information about this Project's History.

I can certainly accommodate her, but for purposes of the August 14th Public Meeting in Norton – I was fortunate to print a two page Informational Handout.

EndCap should have had copies of their slide presentation available for attendees.

This WILL be expected at the next Public Information Meeting, which was requested in my first Comment Piece.

I would like the young woman to know that:

This project proposal is the same one which was presented in 2002, 2006 and 2008. Every time it was rejected by the Town of Norton.

Hence my question to EndCap at the 2012 Norton Public Meeting:

'What Is It About NO You Do Not Understand?'

Our position should be clear by now. Norton is not willing to suffer the extreme negative impacts (some for 4 years, others – permanently) of this EndCap Proposal, to bail out ALI (a private, for profit enterprise in

Attleboro) that we had nothing to do with. Capping and Closure of Attleboro Landfill Inc. is the responsibility of ALI.

Jay Cashman Inc. and EndCap will find some other place to dump One Million, Two Hundred Thousand Tons of 'slightly contaminated' debris coming out of Boston, Ct. and RI. But not on us!

Finally, For The Record:

If any agreements (Mitigation etc.) are signed for this project – they will be appealed.

If any permits are granted for this project (Conservation etc.) – they will be appealed.

If any approvals are granted for this project (MassDEP etc.) they will be appealed.

Al Dumont is not the only one who can appeal DEP decisions and tie them up in court for seven years. SEE: 'MassDEP Unilateral Administrative Order (UAO-SE-05-4003)' dated February 11, 2005.

And MassDEP 'Penalty Assessment Notice (#PAN-SE-05-4001)' dated March 10, 2005. Both are still pending, in 'Legal Limbo'.

There are no assurances that if ALI or EndCap did NOT comply with DEP rules and regs to the letter of the law, that anything could/or would be done in a timely fashion to correct that.

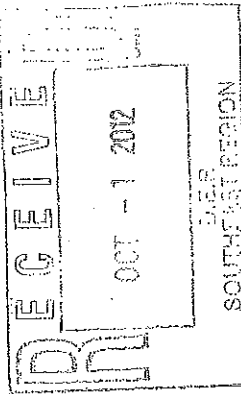
Al Dumont and his attorney representing ALI, would simply appeal any DEP enforcement action or penalty, as they always have before. Their track record is clear.

Also: The Town of Norton established a '**War Chest**' back in 2000 to oppose the reopening of ALI. At our Annual Town Meeting on May 14, 2012 - \$30,000 was re-appropriated: " For professional services (technical, regulatory, environmental, and/or legal, including attorney's fees and litigation costs) and/or related expenses, to ensure **ACCEPTABLE CLOSURES** of the Shpack Superfund Site and the **Attleboro Landfill, Inc. Site**".

There is enough support in Norton now to oppose EndCap's 2012 Plan - so that if necessary - additional funds may be added to this account at the Fall Town Meeting.

Additionally, I have spoken with Sylvia Broude at the Toxics Action League in Boston, which may provide some technical and/or legal assistance to the 'Citizens Advisory Team', should we request that. **END of Comments II.**

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



Mr. Mark Dakers
Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us

Gentlemen:

I am writing to express my adamant opposition to EndCap's 2012 Proposal for the Capping of Attleboro Landfill Inc. (ALI).

The plan to import excessive amounts of 'slightly contaminated' materials to bail out a Private, For Profit Enterprise is beyond reason.

It is difficult to understand how the Massachusetts Department of Environmental Protection would even consider this plan. Is the word 'Environmental' in the Department's name an oxymoron?

650,000 Cubic Yards of Undesirable Materials: Which equals One Million, Two Hundred Thousand TONS is almost unfathomable. It is estimated that 27,000 Trucks would be required to haul in this amount of 'Slightly Contaminated' Soils and Debris.

The negative impacts associated with this project are obvious and unacceptable to the residents of our communities.

The addition of obscene amounts of contaminated soils and debris, to further extend the existing noxious 'ALI Mound' towards our neighborhoods and the Shpack Superfund Site, cannot be tolerated.

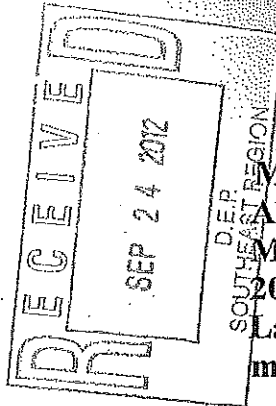
I trust that when all of the comments and demands are considered, reasonable minds will prevail - and this EndCap Project Proposal will either be withdrawn or rejected by MassDEP.

Name: *Rutha Gould*

Address: *151 E. Main Norton 02276*

Deadline for Comments is: Friday Sept. 28th. PLEASE Do Not Delay!

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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Acting Bureau Chief
MassDEP, SE Region
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Name:

CARLO GIARRESSO

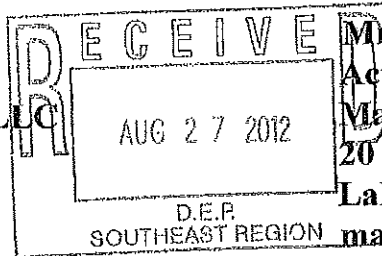
Address:

174 John Scott Blvd

Deadline for Comments is: Friday Sept. 28th. PLEASE Do Not Delay!

CJT 9-13-12

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169



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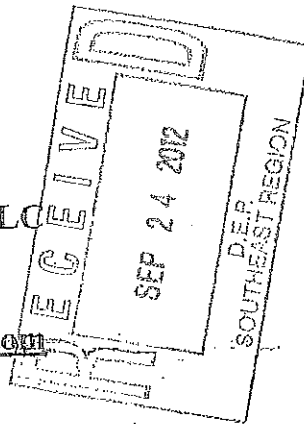
Phillip R. Garcey (Property Owner)

Address:

29 Sterdy Street, Norton, MA

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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Acting Bureau Chief
MassDEP, SE Region
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Name: ANN FRIEDMAN

Address: 48 Thayer Lane Rd.
Attleboro, MA 02703

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169



Mr. Mark Dakers
Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
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Name:

Address:

Jason Gariepy
29 A Sturdy St., Norton, MA 02766

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)

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FAX TRANSMISSION

Date: 9/28/12

To: Mark Dakers - DEP

From: Garth Patterson/Office of Congressman Barney Frank

Jones Building
29 Broadway
Taunton, MA 02780

Telephone: (508) 822-4796
Fax: (508) 822-8186

Subject: Comments - ALI Capping
proposal

Pages: 3 (Including Cover Page)

Please call the office if this document does not transmit properly.



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4TH DISTRICT, MASSACHUSETTS

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28 BROADWAY
SUITE 310
TAUNTON, MA 02780
(508) 822-4796

September 27, 2012

Mr. Kenneth L. Kimmell
Commissioner
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

Dear Commissioner Kimmell:

I am writing in support of the town of Norton and its elected town and state officials in their opposition to the capping proposal submitted to the Department of Environmental Protection by EndCap Technology that would transport 650,000 Cubic Yards of "slightly contaminated" material by truck over the course of four years in order to complete the required capping of the Attleboro Landfill. While I am appreciative of your letter of August 30th that extended public comment on this proposal and states in part that "MassDEP will require that the owner/proponent, Albert Dumont and EndCap Technology LLC (ECT), address the comments received from the community by modifying the proposal for capping the ALI landfill," I remain concerned that the nature of this proposal, to provide a funding source for the required cap, will trump the potential harm to area residents and the integrity of ongoing remediation efforts at the Shpack Superfund site which is in the final stages of a costly and exhaustive effort by local, state and federal partners.

As you are undoubtedly aware, for many years, I have been directly involved in the ongoing efforts of both the Army Corps of Engineers and the Environmental Protection Agency in their combined cleanup of radiological and chemical waste at the Shpack site. Through the tireless efforts of these two federal agencies, committed local leaders and the Citizens Advisory Shpack Team (CAST), that cleanup is finally nearing its completion. However, the uncertain nature of the Attleboro Landfill and its proximity to the Shpack site has always been an underlying concern to those who have dedicated so much time and effort to the remediation efforts of this Superfund site. This proposal has validated those fears.

According to the comment letter from the town of Norton's Board of Selectmen, the required soil to cap the Attleboro Landfill is a fraction of EndCap's proposal. While a viable revenue source may be necessary to help fund this cap, DEP should be mindful of the transportation stress on local roadways, potential harm to area residents and the negative impact the importing of even slightly contaminated and excessive materials may have on the abutting Superfund site.

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

September 27, 2012
Page 2

While every effort may be made to ensure the integrity of the capped material, no one can predict the effect such a large amount of material would have on either the Shpack site or local residents, and I strongly urge you to fully consider responsible alternatives to properly capping the Attleboro Landfill.

Sincerely,



BARNEY FRANK
Member of Congress

BF/gpp

Reply To: 29 Broadway, Suite 310
Taunton, MA 02780

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



Mr. Mark Dakers
Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us

Gentlemen:

I am writing to express my adamant opposition to EndCap's 2012 Proposal for the Capping of Attleboro Landfill Inc. (ALI).

The plan to import excessive amounts of 'slightly contaminated' materials to bail out a Private, For Profit Enterprise is beyond reason.

It is difficult to understand how the Massachusetts Department of Environmental Protection would even consider this plan. Is the word 'Environmental' in the Department's name an oxymoron?

650,000 Cubic Yards of Undesirable Materials: Which equals One Million, Two Hundred Thousand TONS is almost unfathomable. It is estimated that 27,000 Trucks would be required to haul in this amount of 'Slightly Contaminated' Soils and Debris.

The negative impacts associated with this project are obvious and unacceptable to the residents of our communities.

The addition of obscene amounts of contaminated soils and debris, to further extend the existing noxious 'ALI Mound' towards our neighborhoods and the Shpack Superfund Site, cannot be tolerated.

I trust that when all of the comments and demands are considered, reasonable minds will prevail - and this EndCap Project Proposal will either be withdrawn or rejected by MassDEP.

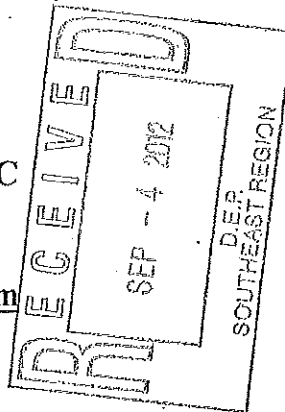
09/23/12

Name: *Lester Stayer Jr*

Address: *442 PIKE AVE
ATTLEBORO MASS 02703*

Deadline for Comments is: Friday Sept. 28th. PLEASE Do Not Delay!

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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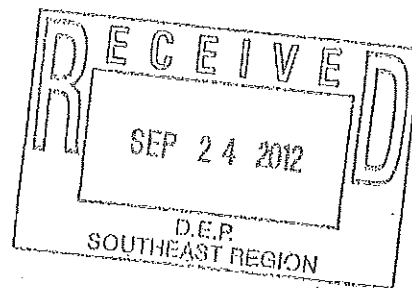
Name: *Rosemary Dakers*

Address: *193 W Main St Norton, Ma 02766*

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)

Mr. Mark Dakers
Acting Bureau Chief
MA DEP, SE Region
20 Riverside Drive
Lakeville MA 02347

Mr. Kurt Schulte
President, EndCap Technology
555 South Street
Quincy, MA 02169



September 20, 2012

Gentlemen:

I am a resident of Ward 4 in Attleboro. My home is ½ mile from the Attleboro Landfill and Pike Avenue is 100 feet from my house. I am one of approximately 40,000 people who live within a 3-mile radius of the site. We have happily lived here in Attleboro since 1999 are raising children here. We were optimistic in September 2004 after the Record of Decision (ROD) was signed. We believed that the landfill was permanently closed and scheduled to be cleaned up by responsible parties. Now that this cleanup work is done, it appears the dump is potentially back in business with only dollar signs in mind and with complete disregard of the 40,000 residents whose lives are rooted here. This is not business to us gentlemen - this is our home! Hear me loud and clear: **I am vehemently opposed to the agreement between ALI and EndCap for the capping of the Attleboro Land Fill.**

I understand that capping the landfill is necessary to reduce future leaching of toxic fluids. However, call this business deal for what it is - a method to dispose of ridiculously excessive amounts of "slightly contaminated material" being placed on top of other contaminated material. Give me a break! We just excavated approximately 34,000 cubic yards of soil and 1,000 cubic yards of sediment from Chartley Swamp which exceeded the radiological and chemical cleanup levels for the site. Now the plan is to move in "slightly contaminated material"? Are you serious?! **The only winners in this deal are EndCap and ALI while the residents of Attleboro and Norton will be left with the noxious fumes, further contaminated land, and an even larger unsightly mountain of hazardous materials!**

I also would like to address the 27,000 dump trucks that will be passing through the area on their way to and from the landfill. As far as I know, Pike Avenue is a "no truck" road. It is a narrow road and I question whether the two small bridges along Pike can accommodate this excessive traffic. The dust that will be created and released into the air, the smoke, and the noise are not welcomed neighbors to this area.

According to the MA DEP website, the mission states: "The Department of Environmental Protection is the state agency responsible for ensuring clean air and water, the safe management of toxics and hazards, the recycling of solid and hazardous wastes, the timely cleanup of hazardous waste sites and spills, and the preservation of wetlands and coastal resources. As the guardian of our natural resources the **MA DEP MUST PUT A STOP TO THIS AGREEMENT.** The health interests of local residents, indeed of all living creatures in the area, must never be subservient to a private business deal!

Instead of serving the citizens of these areas and future generations of children, EndCap and ALI have made a business deal which results in the Attleboro dump re-opening for business with capping as a secondary side benefit! This is an insult to Attleboro and Norton residents and a slap in the face to the MA DEP. The primary concern should be properly and efficiently capping the landfill not profiting on the dumping of more contaminated material in an area already devastated by prior abuse!

MA DEP simply cannot accept this environmentally destructive, offensive, and insulting proposal between EndCap and ALI. I implore you to stop this deal and insist on a less destructive alternative to capping the landfill.

Sincerely,

Laura DeSimone
8 Northfield Road
Attleboro MA 02703
508-226-4080

Mr. Mark Dakers
Acting Bureau Chief
MA DEP, SE Region
20 Riverside Drive
Lakeville MA 02347



September 20, 2012

Re: ALI – EndCap Agreement

Dear Mr. Dakers:

I am a resident of Ward 4 in Attleboro. My home is ½ mile from the Attleboro Landfill and Pike Avenue is 100 feet from my house. My children's bus stop is at the corner of Pike Ave and Westfield Road. I am writing to express my **extreme opposition** to the agreement between ALI and EndCap for the capping of the Attleboro Land Fill.

While I understand that capping the landfill is necessary to reduce future leaching of toxic fluids, this absurd agreement results in ridiculously excessive amounts of "slightly contaminated material" being placed on top of other contaminated material! While EndCap and ALI will profit in this deal the residents of Attleboro and Norton will be left with the noxious fumes, contaminated land, and an even larger unsightly mountain of hazardous materials!

Moreover, what about the additional pollution caused by the 27,000 dump trucks that will be passing through the area on their way to and from the landfill, the dust that will be created and released into the air, the smoke, the noise. ... As the guardian of our natural resources the **MA DEP MUST PUT A STOP TO THIS AGREEMENT**. The health interests of local residents, indeed of all living creatures in the area, must never be subservient to a private business deal!

Instead of serving the citizens of these areas and future generations of children, EndCap and ALI have made a business deal which results in the Attleboro dump reopening for business with capping as a secondary side benefit! This is an insult to Attleboro and Norton residents and a slap in the face to the MA DEP. The primary concern should be properly and efficiently capping the landfill not profiting on the dumping of more contaminated material in an area already devastated by prior abuse!

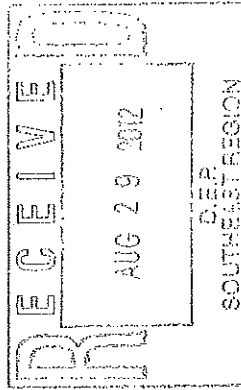
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Cathleen DeSimone

8 Northfield Road
Attleboro MA 02703
508-226-4080

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us

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It is difficult to understand how the Massachusetts Department of Environmental Protection would even consider this plan. Is the word 'Environmental' in the Department's name an oxymoron?

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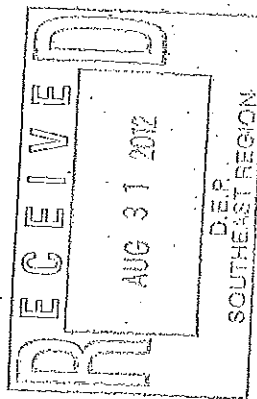
I trust that when all of the comments and demands are considered, reasonable minds will prevail - and this EndCap Project Proposal will either be withdrawn or rejected by MassDEP.

Name: Thomas DeLuca


Address: 5 John F. Kennedy Drive, Norton, MA 02766

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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MassDEP, SE Region
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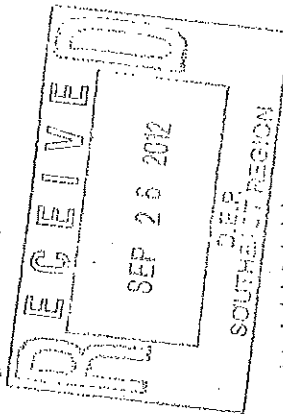
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Name: *David DeCosta*

Address: *PO Box 424 Norton, MA-02766*

Deadline for Comments is: Friday Sept. 28th. PLEASE Do Not Delay!

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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Name:

Patricia M. Carroll

Address:

66 Holden Street Attleboro, MA 02703

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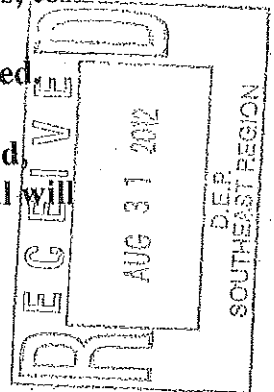
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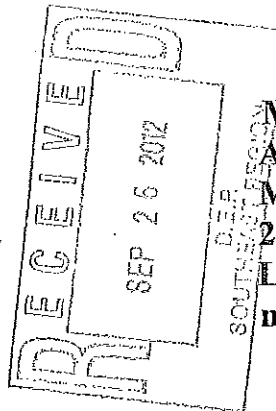
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Name: THOMAS CANNING

Address: 64 MAPLE ST, NORTON MA 02766



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President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us

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Name:

Address:

James R. Carroll
66 Hilder St. Attleboro, MA 02703

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President
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555 South Street
Quincy, MA 02169
kschulte@endcaptech.com

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20 Riverside Dr.
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Name:

Donna Butterlin

Address:

*171 No Worcester St
Norton Ma*

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President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com

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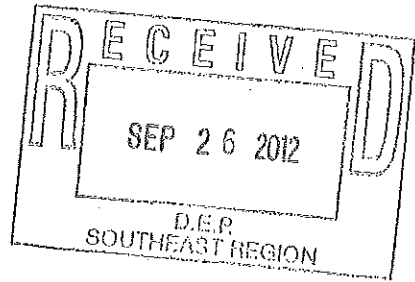
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Name: *Kristina Bogash*

Address: *125 Oakdale Street, Unit 62
Attleboro, MA 02703*



Mr. Mark Dakers
Acting Bureau Chief
MassDEP, SE Region
20 Riverside Dr.
Lakeville, MA 02347



September 25, 2012

Dear Mr. Dakers:

We are writing to express our adamant opposition to EndCap's 2012 Proposal for the Capping of Attleboro Landfill Inc. (ALI).

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Sincerely,

Mary Lou Beauregard
Kenneth G. Beauregard

MaryLou and Kenneth Beauregard
22 Westfield Road
Attleboro, MA 02703

Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com

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Name: Valerie Bedsole



Address: 10 Garrett Drive Norton Ma 02766

Deadline for Comments is Tuesday Sept. 4, 2012 (Day after Labor Day)



City Of Attleboro, Massachusetts

OFFICE OF THE MUNICIPAL COUNCIL

Government Center • 77 Park Street

Attleboro, Massachusetts 02703

508-223-2222 • Fax 508-222-3046

August 23, 2012

Mr. Mark Dakers, Acting Bureau Chief
Mass DEP, Southeast Region
20 Riverside Drive
Lakeville MA 02347

Dear Mr. Dakers:

As the Ward 4 city councilor and resident of Attleboro, I am writing to respectfully request your attention to a matter of great concern regarding the proposed capping of the Attleboro Landfill (ALI) Phase B.

Our residential neighborhoods in Ward 4 would be greatly affected by the recent proposal by EndCap.

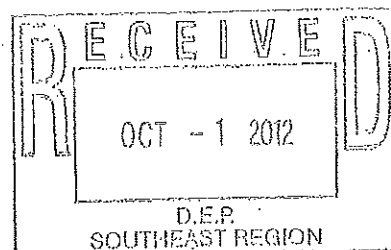
My main concerns are related to public safety, the environment, quality of everyday life and decreased home values over the duration of the project and any problems that may arise over the 30 year maintenance program.

It is my hope is that the Massachusetts Department of Environmental protection will realize the impact this project will have on this community and allow for EndCap to return to the drawing board and submit an alternate plan that address these concerns.

Sincerely,

City Councilor Johathan Weydt
Ward 4, Attleboro
(617) 997-2502

cc: Kurt Shultie, EndCap Technology



Mr. Kurt Schulte
President
EndCap Technology, LLC
555 South Street
Quincy, MA 02169
kschulte@endcaptech.com



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Name: *John Battistello*

Address: *173 North Worcester St*

Dorchester, Mass.